APPENDIX.

The Federal Interpleader Statute.

TITLE 28 U.S.C. 1335

§ 1335 Interpleader

(a) The district courts shall have original jurisdiction of any civil action of interpleader or in the nature of interpleader filed by any person, firm, or corporation, association, or society having in his or its custody or possession money or property of the value of $500 or more or having issued a note, bond, certificate, policy of insurance, or other instrument of value or amount of $500 or more, or providing for the delivery or payment or the loan of money or property of such amount or value, or being under any obligation written or unwritten to the amount of $500 or more, if

(1) Two or more adverse claimants, of diverse citizenship as defined in section 1332 of this title, are claiming or may claim to be entitled to such money or property, or to any one or more of the benefits arising by virtue of any note, bond, certificate, policy or other instrument, or arising by virtue of any such obligation; and if (2) the plaintiff has deposited such money or property or has paid the amount of or the loan or other value of such instrument or the amount due under such obligation into the registry of the court, there to abide the judgment of the court, or has given bond payable to the clerk of the court in such amount and with such surety as the court or judge may deem proper, conditioned upon the compliance by the plaintiff with the future order or judgment of the court with respect to the subject matter of the controversy.

(b) Such an action may be entertained although the titles or claims of the conflicting claimants do not have a common origin, or are not identical, but are adverse to and independent of one another.

Federal Rules of Civil Procedure.

RULE 41. DISMISSAL OF ACTIONS

(a) Voluntary Dismissal: Effect Thereof

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(2) *By Order of Court.* Except as provided in paragraph (1) of this subdivision of this rule, an action shall not be dismissed at the plaintiff's instance save upon order of the court and upon such terms and conditions as the court deems proper. If a counterclaim has been pleaded by a defendant prior to the service upon him of the plaintiff's motion to dismiss, the action shall not be dismissed against the defendant's objection unless the counterclaim can remain pending for independent adjudication by the court. Unless otherwise specified in the order, a dismissal under this paragraph is without prejudice.

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 10,524

WESTINGHOUSE ELECTRIC CORPORATION,
Plaintiff-Appellee

v.

UNITED ELECTRICAL RADIO and MACHINE WORKERS OF AMERICA, et al.,
Defendants-Appellants

and

INTERNATIONAL UNION OF ELECTRICAL, RADIO AND MACHINE WORKERS—CIO, et al.,
Defendants-Appellees.

Present: MARIS, GOODRICH and HASTIE, Circuit Judges.

Order.

Upon consideration of the written motion of defendants-appellees for an order directing the defendants-appellants to post additional bond or in the alternative for an order directing that the mandate of this court issue forthwith, and of the oral motion of the defendants-appellants for a stay of the mandate of this court and of the order of the district court dated July 11, 1951, and of the oral motion of the plaintiff-appellee for an order directing that the order of the district court dated May 26, 1950 be continued in effect until the mandate of this court issue, and after full hearing:

IT IS ORDERED:

1. That the order of the district court dated May 26, 1950, granting the plaintiff leave to pay money into court and restraining the prosecution of other suits by defendants be and it hereby is continued in effect until the issuance of the mandate of this court or until further order of this court.

2. That the mandate of this court be and it hereby is stayed.

3. That the order of the district court dated July 11, 1951, granting plaintiff's motion to dismiss its suit without prejudice, be and it hereby is stayed.

IT IS FURTHER ORDERED that the foregoing provisions of paragraphs 2 and 3 of this order are conditioned

(a) Upon the filing of a supersedeas and cost bond in the amount of Twenty Thousand ($20,000.00) Dollars in the district court together with a certified copy of this order; said bond to be in addition to the bond for Eighteen Thousand ($18,000.00) Dollars now filed in this proceeding.

(b) Upon the filing of a petition for writ of certiorari in the Supreme Court of the United States on or before April 21, 1952.

IT IS FURTHER ORDERED that if the petition for writ of certiorari shall have been filed on or before April 21, 1952 the issuance of the mandate of this court and the July 11, 1951 order of the district court shall be

further stayed until final disposition by the Supreme Court of the United States of the said petition for writ of certiorari.

BY THE COURT

HERBERT F. GOODRICH
Circuit Judge

April 10, 1952

A true copy

IDA O. CRESKOFF,

[SEAL] Clerk